

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6680**

**BILL NUMBER:** HB 1274

**NOTE PREPARED:** Jan 12, 2012

**BILL AMENDED:**

**SUBJECT:** Candidate Petitions.

**FIRST AUTHOR:** Rep. Battles

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Petitions Precede Declaration of Candidacy-* The bill requires that petitions for candidates for the offices of United States Senator, Governor, or President of the United States precede the declarations of candidacy for those offices. (Under current law, the petitions must accompany the declarations of candidacy.) The bill requires that the information required under IC 3-8-6-12 precede a petition for nomination of an independent or minor political party candidate.

*Petition Submission Date-* The bill provides that petitions may be submitted starting November 29 of the year preceding the year in which the primary election will be held. (Under current law, petitions may be filed starting on the first date declarations of candidacy may be filed.)

*Petition Page Format-* The bill specifies the format for each page of a petition, including an affidavit signed by the individual submitting the page that states that the individual has no reason to doubt the authenticity of the signatures on that page.

*Procedures for Certification of Voters-* The bill establishes procedures for the certification of petitioners as voters of a county. The bill provides that, if a petition submitter does not properly complete an affidavit for a petition page, the petitioners on that page may not be certified.

*Transmission of Petitions-* The bill requires the office or board certifying the petitioners to transmit the petition not later than 48 hours after certification to the Indiana Election Division (IED) by first class mail.

*Election Division Responsibilities-* The bill requires the IED to place a time stamp on each page of the petition upon receipt, to store all petitions received, and to maintain a log of each person accessing the

petitions. The bill requires the IED to certify whether a candidate has met the minimum number of petitioners required to accompany a declaration of candidacy not later than one day after the declaration is filed. The bill requires the IED to notify the candidate in writing if the IED denies the certification. The bill permits any individual to contest the denial of the certification by filing a sworn statement with the IED.

*Appeal to Election Commission-* The bill requires that the contest must be determined by the Indiana Election Commission (IEC).

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Election Division Responsibilities-* Under the bill, the administrative responsibilities of the IED would increase. It is likely, the IED would be able to time stamp and store securely all petitions received. The IED would have a one day turnaround to certify that the minimum number of petitioners signed a candidate's petition. If the process of certification, under the bill, would only require the IED to verify that the correct number of signatures were on the petition, the IED would be able to certify a petition in about two hours. (A petition of nomination for U.S. Senator and Governor must have 4,500 signatures with at least 500 from each Congressional district.)

*Appeal to Election Commission-* If the IEC had to schedule an emergency meeting, outside of the normal number of meetings in a year, to hear arguments on a contested petition, expenditures for non state members of the IEC would increase including salary per diem and travel for their service. State statutes provide that the Chairman of the IEC may call a meeting whenever the chairman considers it necessary for the performance of the IEC's duties.

*Petition Page Format-* Affidavit forms for the person delivering the petition that the signatures are authentic would be prescribed by the IEC. The IEC could likely be able to adopt a form for the affidavit within the course of a regular meeting.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Summary:* The bill would increase the administrative responsibilities of county election officials. Any increase in expenditures that the bill would present to county election boards and voter registration offices would depend on the number of petitions received by these local agencies in future years.

*Procedures for Certification of Voters-* Expenditures by county voter registration offices (CVRO) for printing and mailings would increase. CVRO's would be required to send photocopies of certified petitions of nomination to the IED by first class mail within 48 hours of certifying them. Depending on whether the county would send the petitions by metered mail, first-class postage for personal mail is \$0.44 retail and begins at \$0.37 for business automation postage.

### **Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Election Division, Indiana Election Commission.

**Local Agencies Affected:** County clerk, election board, voter registration office.

**Information Sources:** U.S. Postal Service, Indiana Election Division.

**Fiscal Analyst:** Chris Baker, 317-232-9851.